

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DERRICK T. TOLIVER,

No. 3:16-cv-02034-JR

Plaintiff,

OPINION AND ORDER

v.

**CORIZON HEALTH, SHARON BRENNAN,
MANDY, and CRAIG ROBERTS,**

Defendants.

MOSMAN, J.,

On September 5, 2018, Magistrate Judge Paul Papak issued his Findings and Recommendation (F&R) [84], recommending that Defendant Roberts' Motion to Dismiss for Failure to State a Claim [80] be denied as moot. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Papak's recommendation and I ADOPT the F&R [84] in full. Defendant Roberts' Motion to Dismiss for Failure to State a Claim [80] is DENIED as moot.

IT IS SO ORDERED.

DATED this 22 day of October, 2018.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge